

## **REMARKS**

Applicant has received the Office Action dated October 7, 2007, in which the Examiner: 1) objected to the drawings; 2) objected to the specification; 3) objected to claims 9 and 23-24; 4) rejected claim 11 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as allegedly indefinite; 5) rejected claims 1-9, 14-21 and 27-28 under 35 U.S.C. § 102(b) as allegedly anticipated by Niizuma (US Pat. No. 6,338,105); and 6) rejected claims 10-13 and 22-26 under 35 U.S.C. § 103(a) as allegedly obvious in view of Niizuma and McConnell (US Pub. No. 2003/0120852). With this Response, Applicant amends claims 9, 11 and 23-24. Based on the amendments and arguments herein, Applicant respectfully submits that all claims are in condition for allowance.

### **I. OBJECTION TO THE DRAWINGS**

The Examiner objected to Fig. 1 because Fig. 1 contains a reference numeral (142) not described in the specification. With this Response, Applicant amends the specification to refer to reference numeral 142 of Fig. 1. No new matter is added. Accordingly, Applicant kindly requests that this objection be removed.

### **II. OBJECTIONS TO THE SPECIFICATION**

The Examiner objected to the specification due to various informalities. With this Response, Applicant amends the specification to address the informalities. Accordingly, Applicant respectfully requests that all objections to the specification be removed.

### **III. OBJECTIONS TO CLAIMS 9 AND 23-24**

The Examiner objected to claims 9 and 23-24 due to various antecedent basis issues. With this Response, Applicant amends claims 9 and 23-24 to correct the antecedent basis issues. Accordingly, Applicant respectfully requests that the Examiner remove all objections to the claims.

#### IV. REJECTION UNDER 35 U.S.C. § 112, 2<sup>ND</sup> PARAGRAPH

The Examiner rejected claim 11 under 35 U.S.C. § 112, 2<sup>nd</sup> paragraph, as allegedly indefinite. Specifically, the Examiner expressed confusion as to whether the term “devices” referred to the “single device” of claim 10 or the “plurality of separate devices” of claim 10. With this Response, Applicant amends claim 11 to clarify how the switch receives “configuration information.” Support for the claim, as amended, may be found in the specification at least on p. 4, ll. 17-20. Accordingly, Applicant kindly requests that the Examiner remove this rejection.

#### V. REJECTIONS UNDER 35 U.S.C. § 102(b)

The Examiner rejected claims 1-9, 14-21 and 27-28 under 35 U.S.C. § 102(b) as allegedly anticipated by Niizuma. Applicant respectfully traverses these rejections. Claim 1 requires “wherein each of said ports is configurable to operate as a single communication link to a single device or as a plurality of independent communication links to a plurality of devices” (emphasis added). Niizuma fails to teach or even suggest this limitation. The Examiner asserts that Niizuma teaches this limitation in Fig. 6. Specifically, the Examiner points out that in Fig. 6, “each port is configured to handle varying numbers of device functions.” Office Action, p. 5. Although Niizuma does teach that each port can handle multiple device functions, Niizuma does not teach or suggest that each port is configurable to operate as a plurality of independent communication links to those multiple device functions, as required by claim 1. Niizuma’s ports, which interact with multiple device functions, are not the same as the ports of claim 1, which are configurable to operate as independent communication links. For example, Fig. 6 of Niizuma shows Port A coupled to device functions #01, #02 and #03 via a single communication link. Port A is not configurable to operate both as a single communication link or as a plurality of independent communication links. Thus, independent claim 1 and dependent claims 2-9 are patentable over Niizuma.

Independent claim 14 requires “means for selectively configuring each of said ports to operate as a single communication link to a single device or as a plurality of communication links each to a separate device.” As explained above, Niizuma fails to teach or even suggest such a limitation. Thus, independent claim 14 and dependent claims 15-16 are patentable over Niizuma.

Independent claim 17 requires “control logic operable to configure the switch to dynamically vary the number of communication links associated with at least one port.” Niizuma fails to teach or suggest this limitation. The Examiner cites col. 24, ll. 23-27 and 35-36 (“instruction register whose contents are used by the port controller and frame controller”) and col. 38, ll. 65-67 and col. 39, ll. 1-3 (“the devices being connected to a particular port influences the configuration of the AP bit compositions associated with each port”) as teaching this limitation. Office Action, pp. 7-8. Applicant agrees that Niizuma appears to disclose use of the instruction register by the port and frame controllers, and that Niizuma appears to disclose manipulation of AP bit compositions associated with the ports. However, Niizuma still does not disclose that a switch **dynamically varies the number of communication links** associated with a port, as required by claim 17. Thus, independent claim 17 and dependent claims 18-22 are patentable over Niizuma.

Independent claim 27 requires “programming said switch port to provide two or more independent communication links if said number is greater than one.” Niizuma fails to teach or even suggest this limitation. The Examiner asserts that Niizuma teaches this limitation in col. 38, ll. 65-67 and col. 39, ll. 1-33 (referring to AP bit compositions including port setting bits and other configuration bits relating to port-connected devices). Office Action, pp. 8-9. Applicant respectfully submits that the Examiner is mistaken. Although Niizuma teaches AP bit compositions including port setting bits and other miscellaneous information, Niizuma still fails to teach or even suggest two or more **independent** communication links from a

single port, as does claim 27. For at least this reason, independent claim 27 and dependent claim 28 are patentable over Niizuma.

#### **VI. REJECTIONS UNDER 35 U.S.C. § 103(a)**

The Examiner rejected claims 10-13 and 22-26 under 35 U.S.C. § 103(a) as allegedly obvious in view of Niizuma and McConnell. Applicant respectfully traverses these rejections. Claim 10 requires “wherein each of said ports is configurable to operate as either a single communication link to a single device or as a plurality of sub-ports to a plurality of separate devices.” As explained above under subsection V in reference to claims 1, 14, 17 and 27, Niizuma fails to teach or suggest such a limitation. McConnell fails to satisfy the deficiencies of Niizuma. For at least this reason, independent claim 10 and dependent claims 11-13 are patentable over the hypothetical combination of Niizuma and McConnell.

Dependent claim 22 depends on independent claim 17. Claim 17 is patentable over Niizuma, as explained above. McConnell fails to satisfy the deficiencies of Niizuma. Thus, dependent claim 22 is patentable over the hypothetical combination of Niizuma and McConnell.

Independent claim 23 requires “wherein each port can be programmed to provide a **plurality of independently operable links** to at least some of said network devices, each port also being programmable to provide a single communication link to only a single network device” (emphasis added). As explained above in the reference to claims 1, 10, 14, 17 and 27, Niizuma simply fails to teach or suggest such independently operable links. McConnell fails to satisfy this deficiency of Niizuma. Thus, independent claim 23 and dependent claims 24-26 are patentable over the hypothetical combination of Niizuma and McConnell.

#### **VII. CONCLUSION**

In the course of the foregoing discussions, Applicant may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that

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the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the cited art which have yet to be raised, but which may be raised in the future.

Applicant respectfully requests reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

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